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Oakland Tribune, The (CA){PUBLICATION2}

December 4, 2006

Section: Local

Article ID: 4768186

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Oakland physician may lose license

Michele R. Marcucci and Rebecca Vesely, STAFF WRITERS

A physician who treats mentally ill and developmentally disabled people in the East Bay has been accused of compromising patient care and is in danger of losing his medical license. Dr. E. Wayne Sanders, who was featured in this newspaper in a July four-part series on homes for the developmentally disabled, is facing accusations by the California Medical Board of more than a dozen offenses and was the target of a 2003 sting operation by the U.S. Food and Drug Administration.

Sanders is the number one prescriber in California of Seroquel, an antipsychotic medication, according to the medical board accusation. Seroquel is commonly prescribed to treat bipolar disorder and schizophrenia. It is sometimes used to treat insomnia in psychiatric patients.

The alleged offenses include treating patients without examining them; improperly dispensing prescription drugs; allowing unlicensed staff to perform physician duties; falsely billing Medi-Cal; and mixing patient funds with his own, according to the 51-page accusation, filed on Sept. 29.

In a recent interview during his evening office hours, Sanders, who said he has practiced medicine for 30 years, referred to his work as "night ministry" and a "charity."

He denied any wrongdoing and said he was filling a gap in medical care — treating low-income mentally ill and compromised patients with nowhere else to turn.

"If I retire, what are they going to do?" he asked. "They'll get by, but not with the same quality of care."

The medical board wrote that Sanders' office on Telegraph Avenue in Oakland was in disarray and offered no patient privacy.

"The turmoil and disorganization of the respondent's office and waiting area and the requirement that patients wait for a significant time, often for several hours, before being seen by respondent is a departure from the standard practice and is not conducive to the mental health and stability of his patients," the accusation

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reads.

Sanders' desk is behind a divider in the same room where his patients wait to see him, a reporter observed. The reporter could overhear his conversation with a patient.

He said he uses a television set in his waiting area as a noise screen, and that he has a closed room in the back of his office.

In 2003, an undercover agent with the FDA posed as a mentally ill patients seeking medication from Sanders. According to the medical board accusation, Sanders diagnosed the agent, called J.Z., with paranoid schizophrenia and asthma without examining him.

He gave J.Z. free sample packs of pills and later billed Medi-Cal for the cost, a violation of state law, the accusation states. During other follow-up visits, Sanders gave J.Z. fewer pills or switched his medication completely, the accusation states. When J.Z. asked to pick up his prescription at a pharmacy, Sanders' assistant refused the request.

J.Z. observed Sanders and his assistants, who were not certified to practice medicine in the United States, handing out medications to patients with limited interaction, in one case giving medications to a patient without checking her chart or asking her name. In another instance, one of Sanders' assistants told a patient to go into a cabinet and get the medication himself, according to the accusation.

J.Z. said he saw patients coming into Sanders' office to draw funds from their Social Security checks, which Sanders collected and distributed. At one point, Sanders told a patient he could no longer collect her check because the Social Security Administration had audited him and barred him from taking checks for patients due to conflict of interest, the accusation states. Pharmaceutical representatives had improper access to Sanders' patients, the accusation states. One representative spent several hours looking through boxes of patient records from board and care homes, a violation of patient privacy rules. She was driving a car registered to Eli Lilly, maker of olanzapine, a bipolar disorder drug.

Sanders said the FDA agent J.Z. "misquoted" him.

"There's been no harm to patients ever," Sanders said. "Had there been any serious harm to patients, I would think they would act more imminently."

It is not uncommon for an investigation to take several years to complete, said Candis Cohen, spokeswoman for the medical board.

"We believe the accusation was done in a reasonable amount of time given its complex circumstances and we stand by the merits of our accusation," Cohen said.

A hearing on the case has not yet been set.

The mother of one of Sanders' patients, who was in Sanders' office with her son during the interview, praised him.

"He's always been there for Mark," Kathleen Yniguez said of Sanders, who has seen her son as a patient since 1997. "I think he's someone out here trying to help people who won't get help from anyone else."

But caregivers for one of Sanders' former patients, Tony Thompson, questioned Sanders' prescribing of multiple medications for him, including several anti-

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"I felt Dr. Sanders was using Tony for a guinea pig," said Bernadette Montgomery, who cared for Thompson after his father, her fiancée, died several years ago. She said Thompson had only been using a handful of medications before becoming Sanders' patient, in 2000. Thompson, 60, who suffers from bipolar disorder and paranoid schizophrenia, said he was taking as many as 20 pills a day while living at a board and care home recently and under Sanders' care. A Medi-Cal benefit statement from September lists nine drugs, including Seroquel and Abilify.

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Sanders said some patients don't respond to just one drug and that they need more medication.

But Charlotte Ottaway, director of nursing for Park Merritt in Oakland, a residential facility for mentally ill and developmentally disabled people where Thompson now lives, said his patients are overmedicated.

Nora Syed, the assistant nursing director at Lakeshore Convalescent Hospital in Oakland, defended Sanders. She said he prescribes Seroquel to almost all of his patients, but that he has helped the patients. The facility wrote a letter to the medical board supporting Sanders.

Sanders was featured in a July article in this newspaper about a young developmentally disabled man who died at a care home in Oakland after Sanders took him off his anti-seizure medication and prescribed Seroquel instead. Another physician later testified at an administrative law hearing that the man, Todd Glynn, probably died as a result of a seizure and not from choking on food, as originally thought.

Sanders denied any wrongdoing in the incident and said he doesn't believe that is what happened.

"I make mistakes, I'm sure I do," he said. "But not to the level of negligence."

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